

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

KAVOUISE JACKSON,

Plaintiff,

v.

CHARLES DANIELS, *et al.*,

Defendants.

Case No. 3:22-cv-00318-MMD-CSD

ORDER

Pro se Plaintiff Kavouise Jackson, who is incarcerated in the custody of the Nevada Department of Corrections (“NDOC”), sued NDOC employees and officials for deliberate indifference to his serious medical needs in violation of his Eighth Amendment rights. (ECF No. 5.) Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Craig S. Denney (ECF No. 48), recommending that the Court grant Defendants’ motion for summary judgment (ECF No. 45). To date, no objections to the R&R have been filed. Because there is no objection, and as further explained below, the Court will adopt the R&R.

Because there is no objection, the Court need not conduct de novo review, and is satisfied that Judge Denney did not clearly err. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.” (emphasis in original)). After an extensive recitation of the evidence before him, Judge Denney first recommends the Court grant Defendants’ motion for summary judgment because Plaintiff’s counsel did not sufficiently oppose summary judgment. (ECF No. 48 at 1-20.) However, Judge Denney alternatively explains that the evidence before him shows that Plaintiff received medical care that was not deliberately indifferent to the issues presented by the metal used to repair a gunshot

1 wound in his arm and elbow—and thus Defendants are also entitled to summary judgment
2 on the merits of Plaintiff’s claim. (*Id.* at 20-21.) Judge Denney then explains how the
3 evidence before him shows some Defendants did not personally participate in the conduct
4 giving rise to the alleged constitutional violations. (*Id.* at 21-24.) In sum, Judge Denney
5 concludes, “Defendants are entitled to summary judgment because Plaintiff has failed to
6 raise a genuine dispute of material fact that any Defendant was deliberately indifferent to
7 his serious medical needs.” (*Id.* at 24.) Having reviewed the R&R, Judge Denney did not
8 clearly err.

9 It is therefore ordered that Judge Denney’s Report and Recommendation (ECF
10 No. 48) is accepted and adopted in full.

11 It is further ordered that Defendants’ motion for summary judgment (ECF No. 45)
12 is granted.

13 The Clerk of Court is directed to enter judgment accordingly—in Defendants’
14 favor—and close this case.

15 DATED THIS 2nd Day of January 2025.

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19 MIRANDA M. DU
20 UNITED STATES DISTRICT JUDGE
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